

From: [Ponca Tribe OEM](#)
To: [Gee, Randy](#)
Cc: [Oliver Littlecook](#); [caseycamphorinek \(b\) \(6\)](#); [Harris, Fincher](#)
Subject: Re: SAFETEA Consultation Meeting Agenda and Background Information
Date: Saturday, September 19, 2020 12:46:56 PM

Good afternoon, Mr. Gee. In regards to the Tribal Consultation issue surrounding SAFETEA, Ponca Tribe OEM would like to submit a comment:

We would like to demand Free, Prior, Informed Consent (FPIC)- not just Consultation. FPIC is a RIGHT that pertains to the Indigenous of the United States of America and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows us to give or withhold consent to any project that may affect us or our territories. Once we have given our consent, we may withdraw it at any time, at any stage. Furthermore, FPIC enables us to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This right is also embedded within the universal right to self-determination.

FREE: The consent given is to be FREE, given voluntarily and without coercion, intimidation or manipulation. It is a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.

PRIOR: The consent given is sought sufficiently in advance of any authorization or commencement of activities.

INFORMED: The engagement and type of information that should be provided PRIOR to seeking consent and also as part of the ongoing consent process.

CONSENT: A collective decision made by the right holders and reached through customary decision-making process of our communities.

We recognize a Traditional manner of governing, which should not only be through decisions made by our Leaders, but decisions made by CONSENSUS of the entire Tribal Membership. We DEMAND that you HONOR our traditional process, which by Article VI, Clause 2 of the United States Constitution (Supremacy of Treaties), declares that "All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary, notwithstanding".

Therefore, we REFUSE to have the State of Oklahoma recognize us as another state, and INVOKE our Treaty Status as being the SUPREME LAW OF THE LAND. Indian Treaties have the same force and effect as FEDERAL statutes, and a violation of an Indian TREATY is a violation of FEDERAL LAW.

Thank you.

On Fri, Sep 4, 2020 at 11:41 AM Gee, Randy <Gee.Randy@epa.gov> wrote:

Good morning,

Please see the agenda for next Tuesday's SAFETEA consultation conference call. Attached is background material for the call. Please share with your leadership and others who may join the call. We will be using a conference call line instead of MS Teams.

Please let Mark and I know if your Tribal Nation is planning to join the call. It would be appreciated. Thank you to those who have notified us they are planning to join.

Have a great Labor Day holiday! Stay safe.

Best regards,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment

Office Phone: 214-665-8355

--

Vivian Billy, Director
Ponca Tribe Office of Environmental Management
(w) 580-765-2218
(c) 580-304-2180

Confidential

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.